

REMARKS/ARGUMENTS

I. Status of the Application

Claims 27-31 are currently pending. Claims 27-31 stand rejected based on prior art. Claims 27-31 are amended herein, and new claims 33-38 have been added. Further, the abstract and several paragraphs in the specification of the present application have been amended. No new matter has been added.

The amendment to independent claim 27, mainly providing a previously disclosed feature of "at least one nail-retention groove of a predetermined size located on a bottom surface" (corresponding to slot 1e) is to provide clarification to the present invention and to distinguish the present invention over the cited prior art references, and is supported by the abstract, specification, and FIGS. 2, 3, and 5. The amendment to claims 28-31 are to correct minor errors. No new matter has been introduced by these amendments to claims 27-31.

The addition of new claim 33 (an independent claim) captures most of the features of originally filed claim 1 (which was previously canceled), and further includes the feature of "...said face and said throat have a nail holder and starter comprised of a plurality of side vertical slots and at least one bottom vertical slot for holding and starting nails for hammering..." Each of newly added claims 34-38 depends from newly added claim 33. No new matter has been introduced with the addition of claims 33-38 because all of the features in these claims are supported by the abstract, specification, and FIGS. 1-5 (especially FIGS. 2, 3, and 5).

The Applicant submits that claims 27-31 and 33-38, all the claims presently pending in the application, are in condition for allowance. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections.

II. The Amendment to the Abstract

The abstract has been amended to correct minor errors.

III. The Amendment to the Specification

Several paragraphs in the specification of the present application have been amended to provide clarification to the present invention. No new matter has been introduced with these amendments because all of the features in these amendments are supported by the abstract, specification, and FIGS. 1-5 (especially FIGS. 2, 3, and 5).

IV. The 35 U.S.C. §103(a) Rejections

Claims 27-29

Claims 27-29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Te (U.S. Patent No. 6,571,666; herein referred to as Te '666) in view of Kotschner et al. (U.S. Patent No. 6,339,974; herein referred to as Kotschner '974).

With the current amendment to independent claim 27, the Applicant respectfully asserts that Te '666 or Kotschner '974 alone, or the combination of Te '666 and Kotschner '974, does not disclose or teach the following elements as taught in the present invention:

- 1) "at least one nail-retention groove of a predetermined size located on a bottom surface" of said hammerhead;
- 2) the nail groove, which is half conical, is designed to release the head of the nail on the upswing motion of the user. The square groove as disclosed in the prior art references has tendency to sometime not release the head of the nail on the upswing motion of the user; and

3) the nail holding will prevent the nail from springing out and/or flicking out from the hammer. The nail will have tendency to spring out and/or flick out from the hammer due to centrifugal force and possibly injuring the user and/or someone in proximity to the user.

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections of independent claim 27 and claims 28 and 29 (each of which depends from claim 27).

Claims 30 and 31

Claims 30 and 31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Te '666 and Kotschner '974 in view of Hu (U.S. Patent No. 6,283,449; herein referred to as Hu '449) and in further view of Caspall (U.S. Patent No. 4,723,582; herein referred to as Caspall '582).

With the current amendment to independent claim 27 (as stated above), the Applicant respectfully asserts that Te '666 and Kotschner '974 in view of Hu '449 and in further view of Caspall '582, does not disclose or teach the following elements as taught in the present invention:

- 1) "at least one nail-retention groove of a predetermined size located on a bottom surface" of said hammerhead;
- 2) the nail groove, which is half conical, is designed to release the head of the nail on the upswing motion of the user. The square groove as disclosed in the prior art references has tendency to sometime not release the head of the nail on the upswing motion of the user; and
- 3) the nail holding will prevent the nail from springing out and/or flicking out from the hammer. The nail will have tendency to spring out and/or flick out

from the hammer due to centrifugal force and possibly injuring the user and/or someone in proximity to the user.

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections of claims 30 and 31 (each of which depends from claim 27).

V. Formal Matters and Conclusion

In view of the foregoing, the Applicant submits that currently amended claims 27-31 and newly added claims 33-38, all the claims presently pending in the application, are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary.

Respectfully submitted,

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